

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Case No. 0:18-cr-171-DSD-KMM

Plaintiff,

v.

**ORDER**

Henry James Soll, III

Defendant.

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This matter is before the Court on motions for discovery and disclosure filed by Defendant Henry James Soll, III. The Court held a hearing on the Motions on September 13, 2018. Based on the motions that were filed, the written responses, and the arguments presented at the hearing, the Court enters the following Order.<sup>1</sup>

**1. Mr. Soll's Motion for Disclosure of 404(b) Evidence (ECF No. 17)**

Mr. Soll's motion for disclosure of Rule 404(b) evidence is **GRANTED**. The government shall disclose any evidence it intends to offer at trial pursuant to Fed. R. Evid. 404(b) at least **two weeks** before trial.

**2. Mr. Soll's Motion for Disclosure of Favorable Evidence (ECF No. 18.)**

Mr. Soll's motion for disclosure of favorable evidence is **GRANTED**. The government is obligated to disclose evidence favorable to Mr. Soll as required by *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their

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<sup>1</sup> The Court will separately issue a report and recommendation on Mr. Soll's Motion to Suppress Search and Seizure Evidence (ECF No. 22.)

progeny. These cases place an ongoing obligation on counsel for the government to disclose exculpatory evidence and impeachment material to Mr. Soll.

**3. Mr. Soll's Motions for Discovery (ECF Nos. 19–20)**

Mr. Soll's motions for discovery and inspection are **GRANTED** to the extent they seek discovery and disclosure consistent with Fed. R. Crim. P. 16. The government shall continue to comply with its discovery and disclosure obligations.

**4. Mr. Soll's Motion for Disclosure and Make Informant Available for Interview (ECF No. 21.)**

Mr. Soll's Motion to disclose the identity of the government's informant and to make that informant available for interview is **DENIED WITHOUT PREJUDICE**. A defendant seeking the disclosure of the identity of the government's informant must show that such disclosure is "material to the outcome of his case." *United States v. Gonzalez-Rodriguez*, 239 F.3d 948, 951 (8th Cir. 2001). Mr. Soll has not met this high burden here.

Date: September 14, 2018

s/ Katherine Menendez  
Katherine Menendez  
United States Magistrate Judge